

Remarks

Consistent with Examiner's paragraph 10, in order to expedite prosecution, step (b) has been added to claim 1 where a thinning agent is now required. Claim 21 limitations have been added to claim 10. Claim 33 limitations have been added to claim 32 and claim 38 now requires a thinning agent. Some claims have been deleted as being extremely detailed and not now consistent with amended independent claims. Claims amended are claims 1, 6, 7, 10, 14, 22, 24, 25, 27, 29, 32, 34, 35, and 38. Claims pending are 1-20, 22, 24-25, 27-32 and 34-42. Emphasis has been on use of thinning agent and TDS-tall-oil-mix.

Specification

The specification has been checked and no readily apparent errors have been noted.

Double Patenting

Applicants have amended the independent claims consistent with Examiner's paragraph 10 and have substantially changed all the independent claims 1, 10, 32, and 38; where it is suggested such claims and claims dependent therein should be patentably distinct and patentable over claims of U.S. Patent No. 6,558,442 and copending Application No. 10/429,343.

Rejection of Claims under 35 U.S.C. 112

Claims 14, 23-26 and 32 have been rejected under 35 U.S.C. 112 as being indefinite. Claim 14 has been amended to delete "enhanced". Claim 23 has been canceled. Claim 24 has been made dependent upon claim 10 and claim 26 has been canceled. Claim 32 has been amended to delete "raw" and add "fines" as related to coal. All these amendments should provide distinct claiming and satisfy the requirements of 35 U.S.C. 112.

Rejection of Claims Under – 35 U.S.C. 103

Claims 1-3, 5-9, 38, 40 and 42 are rejected as unpatentable over Longchamp (U.S. 4,548,615) while claims 9, 38, 40 and 42 are rejected as being unpatentable over Grampa (U.S. 6,887,282).

The Examiner also states that the prior art fails to teach the thinning agent and the TDS “tall oil-mix” and that claims 15-22, 27-30 and 33-37 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims consistent with the above. Applications have added step (b) to claim 1 presumably making amended claim 1 and claims dependent thereon allowable. If not, any suggestions as to patentable language would be appreciated. In claim 10 amendment has been made to insert the allowable inclusion of claim 21 onto claim 10 (which has been canceled). This should make amended claim 10 and claims dependent thereon allowable. Claim 32 has been amended to include limitations of claim 33 (which has been canceled). This should make amended claim 32 and claims dependent thereon. Claim 38 has also been amended to add a thinning agent to the enhanced-tall-oil-mix presumably making amended claim 38 and claims dependent thereon.

Applicant agrees with the Examiner’s conclusion that claims 15-22, 27-30 and 33-37 would be allowable over the art if rewritten in independent form including limits of their base claim(s). For the sake of simplicity some of these limits have been inserted into their independent claim. Applicants also agree that the prior art fails to teach the thinning agent and the TDS-tall-oil-mix.

Applicants respectfully submit that amended claims 1-20, 22, 24-25, 27-32 and 34-42 are neither taught nor made obvious by Longchamp or Grampa taken either alone or in combination.

Summary

All outstanding issues are believed to have been addressed. In view of the foregoing amendments and arguments, applicants respectfully submit that amended Claims 1-20, 22, 24-25, 27-32, and 34-42 are in condition for allowance. Applicants respectfully request reconsideration and allowance of those claims. However, any suggestions by the Examiner as to or modification of language to present allowable subject matter would be appreciated.

Note: All future correspondence should be sent to Kirk D. Houser, Esquire at the Eckert Seamans address found on page 1.

Respectfully submitted,



Daniel P. Cillo
Attorney for Applicants
Registration No. 25,108
Telephone Number: (412) 566.5903
Fax Number: (412) 566.6099